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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,799	05/25/2001	Lincoln Rodon	41235-066USPT	4515

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EXAMINER

O#CONNOR, GERALD J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,799

Applicant(s)

Rodon

Examiner

O'Connor

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 26, 2004 (Amdt) and June 24, 2004 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 25, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 26, 2004 (Paper N^o 20040426) has been entered.

Preliminary Remarks

2. This Office action responds to the amendment and arguments filed by applicant on April 26, 2004 (Paper N^o 20040426) in reply to the Office action mailed February 24, 2004.
3. The amendment of claim 6 by applicant in Paper N^o 20040426 is hereby acknowledged.

Election/Restriction

4. Pending claims 1-5 continue to stand as withdrawn from further consideration pursuant to 37 CFR 1.142(b) for being drawn to a non-elected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper N^o 7.

Response to Amendment

5. The amendment submitted April 26, 2004 (Paper N^o 20040426) fails to comply with 37 CFR 1.121(c) with respect to pending claims 1-5 because it fails to present the text of the withdrawn (i.e., non-elected) claims, as was indicated by the Office in the Advisory Action mailed May 18, 2004. The necessary correction has been made and the paper entered, but any future amendments *must* comply with 37 CFR 1.121.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom et al. (US 4,862,357), in view of Bunyan et al. (EP 1,076,307).

Ahlstrom et al. disclose a method for facilitating selection of travel itineraries comprising: selecting one or more travel criteria; defining a traveler profile containing traveler preferences associated with the travel criteria; deriving preference factors including a lowest fare multiplier, an available dates index, a non-stop service index, and an equipment type index for said travel criteria based on the traveler preferences; initiating a query of at least one travel information database for itineraries matching the selected travel criteria using an on-line search engine;

calculating a travel value index for each itinerary using a travel value algorithm that subtracts preference factors from, or adds preference factors to, or both, an optimal value of the travel value index depending on the criteria matching itineraries; and, returning only itineraries where the travel value index thereof satisfies a traveler defined threshold, but Ahlstrom et al. do not disclose that the optimal value is fixed, nor do Ahlstrom et al. disclose that the threshold value that itineraries must surpass in order to be returned is an index value of the travel value index.

However, Bunyan et al. disclose a similar method, which method indeed includes that the travel value algorithm is defined in a manner such that an optimal value for the travel value index is fixed, and that the threshold value that itineraries must surpass in order to be returned is an index value of the travel value index. See, in particular, column 4, lines 39-54.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Ahlstrom et al. so as to include that the travel value algorithm is defined in a manner such that an optimal value for the travel value index is fixed, and that the threshold value that itineraries must surpass in order to be returned is an index value of the travel value index, in accordance with the teachings of Bunyan et al., in order to not overwhelm the customer by bombarding the customer with too many results/itineraries at once by presenting only a manageable number of the best itineraries, and to facilitate an apples-to-apples comparison in travel value index between disparate itineraries or other travel options.

Regarding claim 7, the method of Ahlstrom et al. further comprises canceling before final completion of the query any itineraries that cannot satisfy the traveler defined threshold.

Regarding claim 8, Ahlstrom et al. disclose a method for facilitating selection of travel itineraries, as applied above in the rejection of claim 6, but Ahlstrom et al. do not specifically disclose that their travel value algorithm is defined in a manner such that an optimal value for the travel value index is approximately 100 percent. However, Bunyan et al. disclose a similar method, which method indeed includes that the travel value algorithm is defined in a manner such that an optimal value for the travel value index is approximately 100 percent. See, in particular, Figures 8 and 9, and column 4, lines 39-42.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Ahlstrom et al. so as to define the travel value algorithm in a manner such that an optimal value for the travel value index would be approximately 100 percent, in accordance with the teachings of Bunyan et al., in order to simplify the presentation of the results and make it easier for the user to discern how different a particular, less-than-optimal result would be from an optimal result.

Regarding claims 9-10, Ahlstrom et al. disclose a method for facilitating selection of travel itineraries, as applied above in the rejection of claim 6, but Ahlstrom et al. do not specifically disclose that the selecting, defining, deriving, and initiating are performed over the Internet using a Web browser, nor that the preferences are modified using a Web browser in real time over the Internet and that then the steps of selecting, defining, deriving, and initiating are repeated using the modified preferences. However, Bunyan et al. disclose a similar method, which method indeed includes that the selecting, defining, deriving, and initiating are performed

over the Internet using a Web browser (see column 3, lines 3-4), as well as modifying the preferences using a Web browser in real time over the Internet prior to repeating the steps of selecting, defining, deriving, and initiating, using the modified preferences (see column 3, lines 23-26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Ahlstrom et al. so as to use the Internet by means of a Web browser to perform the steps of selecting, defining, deriving, and initiating, as well as to modify the preferences using a Web browser in real time over the Internet, then repeating the steps of selecting, defining, deriving, and initiating using the modified preferences, all in accordance with the teachings of Bunyan et al., in order to reach as broad/widespread of a customer base as possible, and to allow customers as much flexibility as possible.

Response to Arguments

8. Applicant's arguments filed April 26, 2004 have been fully considered but they are not persuasive.

9. The arguments regarding the previous prior art rejections have been considered, but have been rendered moot by applicant's amendment, and the consequent new grounds of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the disclosure.

11. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is (703) 746-3976.

The examiner can normally be reached weekdays from 9:30 to 6:00.

Inquiries of a general nature or simply relating to the status of the application should be directed to the receptionist, whose telephone number is (703) 308-1113.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at (703) 308-5183.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306** (fax-back auto-reply receipt service provided). Mailed replies should be addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231." Hand delivered replies should be left with the receptionist on the seventh floor of Crystal Park Five, 2451 Crystal Dr, Arlington, VA 22202.

GJOC

September 1, 2004

 (9-1-04)

Gerald J. O'Connor
Patent Examiner
Group Art Unit 3627